

**REMARKS/ARGUMENTS**

Applicant respectfully traverses and requests reconsideration.

The Examiner is thanked for the thorough examination and search of the subject.

All Claims are believed to be in condition for Allowance, and that is so requested.

Claims 44-48 have been amended.

Claims 1-43 have been canceled.

The making FINAL of the Restriction requirement is noted. Non-elected Claims 1-43 are hereby canceled. A divisional application will be filed to Claims 1-43 once the elected Claims are allowed.

The Specification has been amended on page 21 to correct the informality noted by the Examiner.

**Claims 44-48 stand rejected under 35 USC 102(b) as being anticipated by Burgess (US Pat. 5,962,118).** The Burgess reference is drawn to a pressure activated switching device. Burgess teaches a piezoresistive cellular polymer foam comprising an expanded polymer foam having embedded therein a conductive filler including conductive powder and conductive fiber. However, Burgess does not teach a micron conductive fiber or a fiber diameter. In addition, Burgess teaches conductive fiber amounts of from about 0.1% and about 10% by weight of the total composition. Further, Burgess teaches only the combination of conductive powder (finely divided particles) and conductive fiber and that it is only this combination which brings the surprising results (column 6, lines 34-43). Larger conductive filler content percentages cited in Burgess correspond only to those for the conductive powder (column 6, lines 49-51).

By comparison, Applicant's claimed invention, as recited in amended independent claim 44, teaches micron conductive fiber having a diameter of between 3  $\mu\text{m}$  and 12  $\mu\text{m}$ , wherein the ratio, by weight, of the micron conductive fiber to the resin host is between 0.20 and 0.40. In particular, Applicant's claimed invention, as recited in Amended, independent claim 44, states:

44. (Currently Amended) A method to form a switching device, said method comprising:

providing a conductive loaded, resin-based material comprising micron conductive fiber ~~conductive material~~ in a resin-based host wherein said micron  
5 conductive fiber has a diameter of between 3  $\mu\text{m}$  and 12  $\mu\text{m}$  and wherein the  
ratio, by weight, of said micron conductive fiber to said resin host is between 0.20  
and 0.40; and

molding said conductive loaded, resin-based material into a conductive pill in a switching device wherein said switching device comprises:

10 a conductive terminal; and  
a conductive pill that moves between an open  
position and a closed position.

Applicant notes that the features added by amendment to claim 44 are presenting the original specification and claims and do not represent new matter. Applicant's claimed invention achieves a switching device with a conductive pill formed of a conductive loaded resin-based material comprising micron conductive fiber at a weight ratio of 0.20 to 0.40 to the base resin. This feature differs substantially from the range taught by Burgess and achieves the conductive pill without the requirement of an additional

material, namely the conductive powder, present in a substantially larger weight ratio.

Therefore features of Applicant's claimed invention are not taught or suggested by Burgess. Accordingly, independent claims 44 is allowable, and the dependent claims add additional novel and non-obvious subject matter and should likewise be allowable.

If a rejection is maintained, Applicant respectfully requests a showing from the Examiner that Burgess actually teaches all the features of Applicant's claimed invention.

**Claims 49-53 stand rejected under 35 USC 103(a) as being unpatentable over Burgess (US Pat. 5,962,118) in view of Soens (US Pat. 5,397,608).** In regards to Claims 49-53, Applicant references the relevant remarks above. The Soens reference teaches a plastic article containing conductive fibers. Soens also does not teach forming the plastic article with a micron conductive fiber content of between 0.20 and 0.40 by weight. Rather, Soens mixes fiber-containing granules with pure thermoplastic pellets to form by extrusion plastic articles with a metal fiber content of approximately 8 percent by weight (column 6, lines 30-36). Therefore features of Applicant's claimed invention are not taught or suggested by Burgess in view of Soens. Accordingly, independent claims 44 is allowable, and the dependent claims add additional novel and non-obvious subject matter and should likewise be allowable. If a rejection is maintained, Applicant respectfully requests a showing from the Examiner that Burgess actually teaches all the features of Applicant's claimed invention.

Accordingly, Applicant respectfully submits that the claims are in condition for allowance and that a timely Notice of Allowance be issued in this case. Applicant respectfully reasserts remarks in response to the previous office action. The Examiner is invited to contact the below listed attorney if the Examiner believes that a telephone

conference will advance the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas R. Schnabel". The signature is written in a cursive, flowing style.

Douglas R. Schnabel Reg. No. 47,927